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November 7, 2014

**VIA ECF**

The Honorable George B. Daniels  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: *Laydon v. Mizuho Bank, Ltd., et al.*, No. 12-cv-3419 (GBD) (HBP)**

Dear Judge Daniels:

We represent Plaintiff and the proposed class and write in response to Defendants Barclays Bank PLC, Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A., HSBC Bank plc, HSBC Holdings plc, and Société Générale's November 5, 2014 letter requesting leave to file a motion to dismiss for lack of personal jurisdiction. ECF No. 404.

The request for leave should be denied because these Defendants waived their personal jurisdiction defenses by: (1) not including it in their earlier Rule 12(b)(6) motion filed in June 2013; (2) actively litigating this case for ten months following *Daimler*; and (3) failing to file their personal jurisdiction motions three months earlier on August 7 when ten similarly situated Non-Stipulating Defendants filed their own personal jurisdiction motions. Defendants' suggestion that the Second Circuit's decision in *Gucci Am., Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014) provides justification for their failure to earlier raise their personal jurisdiction defenses is meritless. *Gucci* did not announce a new rule of law—it merely restated *Daimler*. Furthermore, *Gucci* was issued seven weeks ago on September 17, 13 days *prior* to the September 30th oral argument held on the pending personal jurisdiction motions, at which *Gucci* was discussed extensively.<sup>1</sup>

If the Court is inclined to entertain briefing on Defendants' request for leave, the parties should not begin these efforts until *after* the Court issues its decision on the pending personal jurisdiction motions so that the parties will have the guidance of the Court in framing their arguments.

Respectfully submitted,

  
Vincent Briganti RG

cc: Counsel of Record (via ECF)

<sup>1</sup> Counsel for Defendant Shinkin Central Bank submitted *Gucci* as supplemental authority on the pending personal jurisdiction motions on September 19. See ECF No. 386.